

By Ja Nix

H.B. No. 3204

A BILL TO BE ENTITLED

AN ACT

relating to the creation, administration, powers, and duties of the Westchase Area Management District; granting the authority to issue bonds; authorizing a tax.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. CREATION OF DISTRICT. (a) A special district in Harris County to be known as the "Westchase Area Management District" exists as a governmental agency, body politic and corporate, and political subdivision of the state.

(b) The name of the district may be changed by resolution of the board.

(c) The creation of the district is essential to accomplish the purposes of Section 52, Article III, Section 59, Article XVI, and Section 52-a, Article III, Texas Constitution, and other public purposes stated in this Act.

SECTION 2. LEGISLATIVE DECLARATION. (a) The legislature finds and declares that the creation of the district is necessary to promote, develop, encourage, and maintain employment, commerce, transportation, housing, tourism, recreation, arts, entertainment, economic development, safety, and the public welfare in the Westchase area of Harris County.

(b) It is the legislature's intent that the creation of the district and this legislation not be interpreted to relieve Harris County or the City of Houston from providing the present level of

1 services to the area included within the district or to release the  
2 county or the city from the obligations each entity has to provide  
3 services to that area. The district is created to supplement and  
4 not supplant the city or county services provided in the area  
5 included within the district.

6 (c) The legislature finds and intends that by creating the  
7 district and in authorizing the city, county, and other political  
8 subdivisions to contract with the district the legislature has  
9 established a program to accomplish the public purposes set out in  
10 Section 52-a, Article III, Texas Constitution.

11 SECTION 3. DEFINITIONS. In this Act:

12 (1) "Board" means the board of directors of the  
13 district.

14 (2) "District" means the Westchase Area Management  
15 District.

16 (3) "City" means the City of Houston, Texas.

17 (4) "County" means Harris County, Texas.

18 SECTION 4. BOUNDARIES. The district includes all the  
19 territory contained within the following described area:

20 Being 2,460 acres, more or less, out of the G.L. Bellows  
21 Survey, Abstract No. 3, the C. Ennis Survey, Abstract No. 253, the  
22 J.D. Taylor Survey, Abstract No. 72, the I.E. Wade Survey,  
23 Abstract No. 854, the I.E. Wade Survey, Abstract No. 855, the E.  
24 Williams Survey, Abstract No. 834, and the H. Woodruff Survey,  
25 Abstract No. 844, all located in Harris County, Texas, being more  
26 particularly described by metes and bounds as follows:

27 BEGINNING AT A POINT being the most westerly southwest corner

1 of the Woodlake, Section 4 Subdivision described by plat recorded  
2 in Vol. 174, Pg. 115 of the Map Records of the Harris County, being  
3 also a point in the East line of South Gessner Road, originally  
4 described in the instrument recorded in Vol. 6369, Pg. 234 of the  
5 Deed Records of Harris County,

6 Thence in a northerly direction with the western boundary of  
7 the Woodlake, Section 4 Subdivision and the East line of South  
8 Gessner Road to the point of intersection with the easterly  
9 projection of the South line of the Woodlake Townhouse Apartments  
10 Parcel as described in the conveyance recorded in Vol. 8577, Pg. 38  
11 of the Deed Records of Harris County,

12 Thence in a westerly direction along the easterly projection  
13 of the South line of the Woodlake Townhouse Apartments Parcel and  
14 then continuing with the South Line of the Woodlake Townhouse  
15 Apartments Parcel to the southwest corner of that parcel, being  
16 also a point in the West line of the Woodlake Section 5  
17 Subdivision, being also a point in the West line of the J. D.  
18 Taylor Survey, Abstract 72,

19 Thence in a southerly direction with the West line of the  
20 J.D. Taylor Survey, Abstract 72 to the point of intersection with  
21 the North right of way of Westheimer Road, also known as Texas Farm  
22 to Market Road No. 1093,

23 Thence in a westerly direction with the North right of way  
24 line of Westheimer Road, also known as Texas Farm to Market Road  
25 No. 1093 to the point of intersection the East right of way of  
26 Seagler Road,

27 Thence in a northerly direction with the East right of way

1 line of Seagler Road to the point of intersection with the easterly  
2 projection of the North right of way line of Ella Lee Lane,

3 Thence in westerly direction with the easterly projection of  
4 the North right of way line of Ella Lee Lane and then continuing  
5 with the North right of way line of Ella Lee Lane to the point of  
6 intersection with the East right of way line Beltway 8, also known  
7 as the Sam Houston Tollway,

8 Thence in a northerly direction with the East right of way  
9 line Beltway 8 to the point of intersection with the easterly  
10 projection of the centerline of the right of way line of Deerwood  
11 Drive as dedicated by plat for the Greentree Place Subdivision as  
12 recorded in Vol. 228, Pg. 125 of the Map Records of Harris County,

13 Thence in a westerly direction with the easterly projection  
14 of the centerline of the right of way of Deerwood Drive and then  
15 continuing with the centerline of the right of way of Deerwood  
16 Drive through a curve to the South to the point of intersection  
17 with the easterly projection of the centerline of the right of way  
18 of River View Drive as described by the plat of the Walnut Bend  
19 Subdivision, Section 8, as recorded in Vol. 129, Pg. 59 of the Map  
20 Records of Harris County,

21 Thence continuing in a westerly direction with the easterly  
22 projection of the centerline of the right of way of River View  
23 Drive to the West line of the Greentree Place Subdivision, being  
24 also the West Line of the G.L. Bellows Survey, Abstract No. 3,

25 Thence in a southerly direction with the West line of the  
26 G.L. Bellows Survey, Abstract No. 3, to the point of intersection  
27 with the most easterly southeast corner of the Walnut Bend, Section

1 5 Subdivision as described by plat recorded in Vol. 89, Pg. 54 of  
2 the Map Records of Harris County,

3 Thence in a westerly direction with the South line of the  
4 Walnut Bend, Section 5 to a point in the East right of way line of  
5 Blue Willow Drive, being also the southwest corner of lot 18, block  
6 5 of Walnut Bend, Section 5 Subdivision,

7 Thence continuing in a westerly direction to a point in the  
8 West right of way line of Blue Willow Drive, being also the  
9 southeast corner of lot 17, block 17 of the Walnut Bend, Section 5  
10 Subdivision,

11 Thence continuing in a westerly direction with the South line  
12 of the Walnut Bend, Section 5 Subdivision to a point in the East  
13 right of way line of Walnut Bend Lane, being also the southwest  
14 corner of lot 1, block 17 of the Walnut Bend, Section 5  
15 Subdivision,

16 Thence continuing in a westerly direction to a point in the  
17 West right of way line of Walnut Bend Lane, being also the  
18 southeast corner of lot 10, block 1 of the Walnut Bend, Section 5  
19 Subdivision,

20 Thence in a westerly direction to the southwest corner of  
21 said lot 10 block 1, being also the most westerly southwest corner  
22 of the Walnut Bend, Section 5 Subdivision, being also a point in  
23 the East line of lot 6, block 1 of the Lakeside Estates, Section 1  
24 Subdivision as described by plat recorded in Vol. 152, Pg. 97 of  
25 the Map Records of Harris County,

26 Thence in a southerly direction with the East line of the  
27 Lakeside Estates, Section 1 Subdivision to the most easterly

1 southeast corner of said Lakeside Estates Section 1 Subdivision,

2 Thence in a westerly direction with the South line of the  
3 Lakeside Estates, Section 1 Subdivision to a point in the East  
4 right of way line of Lakeside Country Club, being also the  
5 southwest corner of lot 1, block 1 of the Lakeside Estates, Section  
6 1 Subdivision,

7 Thence continuing in a westerly direction to a point in the  
8 west right of way line of Lakeside Country Club Drive, being also  
9 the southeast corner of lot 10, block 2 of the Lakeside Estates,  
10 Section 1 Subdivision,

11 Thence continuing in a westerly direction with the South line  
12 of the Lakeside Estates, Section 1 Subdivision to a point in the  
13 East right of way line of Wilcrest Drive, being also the southwest  
14 corner of lot 1, block 2 of the Lakeside Estates, Section 1  
15 Subdivision,

16 Thence in a northwesterly direction to a point in the West  
17 right of way line of Wilcrest Drive, being also the northeast  
18 corner of reserve lot A5 of the Lakeside Estates, Section 1  
19 Subdivision,

20 Thence in a westerly direction with the North line of reserve  
21 lot A5 of the Lakeside Estates, Section 1 Subdivision to the  
22 northwest corner of that lot,

23 Thence in a southwesterly direction across a 150 foot wide  
24 power line corridor owned by Houston Lighting and Power Company, as  
25 described in instrument recorded in Vol. 1220, Pg. 519 of the Deed  
26 Records of Harris County, to the Southeast corner of a 9.54 acre,  
27 more or less, tract of land described in the instrument recorded

1 under Clerk's File No. M462865 of the Official Public Records of  
2 Real Property of Harris County,

3 Thence in a westerly direction with the South line of that  
4 9.54 acre parcel 782 feet, more or less, to the southwest corner of  
5 9.54 acre parcel, being also a point in the East right of way line  
6 of Hayes Road,

7 Thence continuing in a westerly direction to a point in the  
8 West right of way line of Hayes Road, being also the southeast  
9 corner of the Village West, Section 2 Subdivision, as described by  
10 plat recorded in Vol. 250, Pg. 1 of the Map Records of Harris  
11 County,

12 Thence continuing in a westerly direction with the South line  
13 of Village West, Section 2 Subdivision to the southwest corner of  
14 that subdivision South line of Village West, Section 2 Subdivision,

15 Thence continuing in a westerly direction with a westerly  
16 projection of the South line of Village West, Section 2 Subdivision  
17 to the point of intersection with the West right of way line of  
18 Woodland Park Drive,

19 Thence in a southerly direction with the West right of way  
20 line of Woodland Park Drive to the point of intersection with the  
21 North right of way line of Westheimer Road, also known as Texas  
22 Farm to Market Road No. 1093,

23 Thence in westerly direction with the North right of way line  
24 of Westheimer Road to the point of intersection with the northerly  
25 projection of the West line of the Westchase Section 18 subdivision  
26 as described in Vol. 291, Pg. 49 of the Map Records of Harris  
27 County,

1           Thence in a southerly direction with the northerly projection  
2 of the West line of the Westchase Section 18 subdivision, and then  
3 continuing in a southerly direction with the West line of the  
4 Westchase Section 18 subdivision to the southwest corner of that  
5 subdivision, being also a point in the North right of way line of  
6 Richmond Avenue,

7           Thence continuing in a southerly direction to a point in the  
8 South right of way line of Richmond Avenue, being also the  
9 northwest corner of the Westchase Section 17 subdivision as  
10 described in Vol. 294, Pg. 3 of the Map Records of Harris County,

11           Thence continuing in a southerly direction with the West line  
12 of the Westchase Section 17 to the southwest corner of that  
13 subdivision,

14           Thence in an easterly direction with the South line of the  
15 Westchase Section 17 subdivision to the southeast corner reserve  
16 lot "B" of the Westchase Section 17 subdivision,

17           Thence continuing in a easterly direction 150 feet, more or  
18 less, crossing the power line corridor owned by Houston Lighting  
19 and Power Company, to the southwest corner of reserve lot "C" of  
20 Westchase Section 17,

21           Thence continuing in an easterly direction with the South  
22 line of reserve lot "C" of Westchase Section 17 to the southeast  
23 corner of that parcel, being also a point in the West right of way  
24 line of Wilcrest Drive,

25           Thence in a southerly direction with the West right of way  
26 line of Wilcrest Drive to the point of intersection with the South  
27 line of the Southern Pacific Railroad right of way, formerly known



1 as the Texas & New Orleans Railroad right of way, said point being  
2 also the northeast corner of Unrestricted Reserve "A" of the  
3 Briarleaf Section 2 Subdivision, as described by plat recorded in  
4 Volume 287, Pg. 12 of the Map Records of Harris County,

5 Thence in an easterly direction with the South line of the  
6 Southern Pacific Railroad right of way to the point of intersection  
7 with the East right of way line of South Gessner Road,

8 Thence in a northerly direction with the East right of way  
9 line of South Gessner Road to the point of intersection with the  
10 North line of the Tanglewilde, Section 1 Subdivision as described  
11 by plat recorded in Vol. 49, Pg. 25 of the Map Records of Harris  
12 County,

13 Thence in an easterly direction with the North line of the  
14 Tanglewilde, Section 1 Subdivision to the northeast corner of lot  
15 16, block 1 of the Tanglewilde, Section 1 Subdivision,

16 Thence continuing in an easterly direction to the most  
17 westerly southwest corner of that certain 7.0276 acre, more or  
18 less, parcel of land more particularly described by metes and  
19 bounds in the instrument recorded under County Clerk's File No.  
20 R247328 of the Official Public Records of Real Property of Harris  
21 County,

22 Thence continuing in an easterly direction with the South  
23 line of the said 7.0276 acre parcel 328 feet, more or less, to an  
24 interior corner of that parcel,

25 Thence in a southerly direction with a westerly line of the  
26 said 7.0276 acre parcel, 106.41 feet, more or less, to a southwest  
27 corner of that parcel, being also a point in the North line of the

1 Tanglewilde, Section 1 Subdivision,

2 Thence in an easterly direction with the North line of the  
3 Tanglewilde, Section 1 Subdivision, 441.71 feet, more or less, to  
4 an interior corner of that subdivision, being also a point in the  
5 West right of way line of Rockyridge Drive,

6 Thence in a northerly direction with the West right of way  
7 line of Rockyridge Drive to the point of intersection with the  
8 westerly projection of the North line of lot 1, block four of the  
9 Tanglewilde Section 1 Subdivision,

10 Thence in an easterly direction with the westerly projection  
11 of the North line of lot 1, block four of the Tanglewilde Section 1  
12 Subdivision to the northwest corner of that lot 1, block four,

13 Thence continuing in an easterly direction with the North  
14 line of lot 1, block four of the Tanglewilde Section 1 Subdivision  
15 to the northeast corner of that lot, being also a point in the West  
16 line of the replatted Westmont Subdivision as described by plat  
17 recorded in Vol. 75, Pg. 50 of the Map Records of Harris County,

18 Thence in a northerly direction with the West line of the  
19 replatted Westmont Subdivision to the northwest corner of said  
20 replatted Westmont Subdivision,

21 Thence in an easterly direction with the North line of the  
22 replatted Westmont Subdivision to the point of intersection with  
23 the centerline of Westerland Drive,

24 Thence in a northerly direction with the centerline of  
25 Westerland Drive to the point of intersection with the easterly  
26 projection of the North right of way line of Ella Lee Lane,

27 Thence in a westerly direction with the easterly projection

1 of the North right of way line of Ella Lee Lane and continuing with  
2 the North right of way line of Ella Lee Lane to the POINT OF  
3 BEGINNING.

4 SECTION 5. FINDINGS RELATING TO BOUNDARIES. The legislature  
5 finds that the boundaries and field notes of the district form a  
6 closure. If a mistake is made in the field notes or in copying the  
7 field notes in the legislative process, the mistake does not in any  
8 way affect the:

9 (1) organization, existence, and validity of the  
10 district;

11 (2) right of the district to issue any type of bonds  
12 or refunding bonds for the purposes for which the district is  
13 created or to pay the principal of and interest on the bonds;

14 (3) right of the district to levy and collect  
15 assessments or taxes; or

16 (4) legality or operation of the district or its  
17 governing body.

18 SECTION 6. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) The  
19 legislature finds that all of the land and other property included  
20 within the boundaries of the district will be benefited by the  
21 improvements and services to be provided by the district under  
22 powers conferred by Section 52, Article III, Section 59, Article  
23 XVI, and Section 52-a, Article III, Texas Constitution, and other  
24 powers granted under this Act, and that the district is created to  
25 serve a public use and benefit.

26 (b) The legislature finds that:

27 (1) the creation of the district is in the public

1 interest and is essential to:

2 (A) further the public purposes of the  
3 development and diversification of the economy of the state; and

4 (B) eliminate unemployment and underemployment  
5 and develop or expand transportation and commerce;

6 (2) the district will promote the health, safety, and  
7 general welfare of residents, employers, employees, visitors,  
8 consumers in the district, and the general public;

9 (3) the district will provide needed funding for the  
10 Westchase area to preserve, maintain, and enhance the economic  
11 health and vitality of the area as a community and business center;  
12 and

13 (4) the district will further promote the health,  
14 safety, welfare, and enjoyment of the public by providing  
15 pedestrian ways and by landscaping and developing certain areas  
16 within the district, which are necessary for the restoration,  
17 preservation, and enhancement of scenic and aesthetic beauty.

18 (c) The legislature finds and determines that pedestrian  
19 ways along or across a street, whether at grade or above or below  
20 the surface, and street lighting, street landscaping, and street  
21 art objects are parts of and necessary components of a street and  
22 are considered to be a street or road improvement.

23 (d) The district will not act as the agent or  
24 instrumentality of any private interest even though many private  
25 interests will be benefited by the district, as will the general  
26 public.

27 SECTION 7. APPLICATION OF OTHER LAW. Except as otherwise

1 provided by this Act, Chapter 375, Local Government Code, applies  
2 to the district.

3 SECTION 8. CONSTRUCTION OF ACT. This Act shall be liberally  
4 construed in conformity with the legislative findings and purposes  
5 stated in this Act.

6 SECTION 9. BOARD OF DIRECTORS IN GENERAL. (a) The district  
7 is governed by a board of 17 directors who serve staggered  
8 four-year terms.

9 (b) Subchapter D, Chapter 375, Local Government Code,  
10 applies to the board to the extent that subchapter does not  
11 conflict with this Act.

12 SECTION 10. INITIAL DIRECTORS. (a) The initial board  
13 consists of the following persons:

<u>Position Number</u>	<u>Director</u>
1	David J. Lee
2	Donna J. Flowers
3	Douglas L. Elliott
4	Steve Hilton
5	Ted M. Kerr
6	Fred S. Kummer, III
7	Candy A. Tillack
8	Bruce Wilkerson
9	Paul S. McDonald
10	Jack W. Michael
11	Michael W. Biggs
12	Andrew R. Lear
13	James R. Murphy

1	14	Mark Taylor
2	15	Don R. Mathis
3	16	_____
4	17	_____

5           (b) The initial directors for positions 1 through 8 serve  
6 until June 1, 1997, and the initial directors for positions 9  
7 through 17 serve until June 1, 1999.

8           SECTION 11. SUBSEQUENT DIRECTORS. The mayor and city  
9 council of the city shall appoint subsequent directors from persons  
10 recommended by the board.

11           SECTION 12. EX OFFICIO MEMBERS OF BOARD OF DIRECTORS. The  
12 board may appoint nonvoting ex officio members to serve on the  
13 board.

14           SECTION 13. POWERS OF DISTRICT. (a) The district has all  
15 powers necessary or required to accomplish the purposes for which  
16 the district was created.

17           (b) The district has the rights, powers, privileges,  
18 authorities, and functions of a district created under Chapter 375,  
19 Local Government Code.

20           (c) The district has the powers conferred on a corporation  
21 under Section 4B, the Development Corporation Act of 1979 (Article  
22 5190.6, Vernon's Texas Civil Statutes). The district may own,  
23 operate, acquire, construct, lease, improve, and maintain projects  
24 described by that section.

25           (d) The district may:

26                   (1) levy ad valorem taxes, assessments, or impact fees  
27 in accordance with Chapter 375, Local Government Code, to provide

1 improvements and services for a project or activity the district is  
2 authorized to acquire, construct, improve, or provide under this  
3 Act; and

4 (2) correct, add to, or delete assessments from its  
5 assessment rolls after notice and hearing as provided by Subchapter  
6 F, Chapter 375, Local Government Code.

7 (e) The district may not acquire property through eminent  
8 domain.

9 (f) If the district, in exercising a power conferred by this  
10 Act, requires a relocation, adjustment, raising, lowering,  
11 rerouting, or changing the grade of or altering the construction of  
12 any street, alley, highway, overpass, underpass, road, railroad  
13 track, bridge, facility or property, electric line, conduit,  
14 facility or property, telephone or telegraph line, conduit,  
15 facility or property, gas transmission or distribution pipe,  
16 pipeline, main, facility or property, water, sanitary sewer or  
17 storm sewer pipe, pipeline, main, facility or property, cable  
18 television line, cable, conduit, facility or property, or other  
19 pipeline or facility or property relating to the pipeline, that  
20 relocation, adjustment, raising, lowering, rerouting, changing of  
21 grade, or altering of construction must be accomplished at the sole  
22 cost and expense of the district, and the district shall bear  
23 damages that are suffered by owners of the property or facilities.

24 SECTION 14. CONFLICTS WITH OTHER LAW. If any provision of a  
25 law referenced in Section 13 of this Act is in conflict with or is  
26 inconsistent with this Act, this Act prevails. Any law referenced  
27 in this Act that is not in conflict or inconsistent with this Act

1 is adopted and incorporated by reference.

2 SECTION 15. REQUIREMENTS FOR FINANCING SERVICES AND  
3 IMPROVEMENTS. The board may not finance services and improvement  
4 projects under this Act unless a written petition requesting those  
5 improvements or services has been filed with the board. The  
6 petition must be signed by:

7 (1) the owners of a majority of the assessed value of  
8 real property in the district as determined by the most recent  
9 certified county property tax rolls; or

10 (2) at least 50 persons who own land within the  
11 district, if there are more than 50 persons who own property in the  
12 district as determined by the most recent certified county property  
13 tax rolls.

14 SECTION 16. DISBURSEMENTS OR TRANSFERS OF FUNDS. The board  
15 by resolution shall establish the number of directors' signatures  
16 and the procedure required for a disbursement or transfer of the  
17 district's money.

18 SECTION 17. BONDS. (a) The district may issue bonds or  
19 other obligations payable in whole or in part from ad valorem  
20 taxes, assessments, impact fees, revenues, grants, or other funds  
21 of the district, or any combination of those funds, to pay for any  
22 authorized purpose of the district.

23 (b) Bonds or other obligations of the district may be issued  
24 in the form of bonds, notes, certificates of participation,  
25 including other instruments evidencing a proportionate interest in  
26 payments to be made by the district, or other obligations that are  
27 issued in the exercise of the district's borrowing power and may be



1 issued in bearer or registered form or may be issued in a form not  
2 represented by an instrument but with their transfer registered on  
3 books maintained by or on behalf of the district.

4 (c) Except as provided by Subsection (d) of this section,  
5 the district must obtain the city's approval of:

6 (1) the issuance of bonds for an improvement project;  
7 and

8 (2) the plans and specifications of the improvement  
9 project to be financed by the bonds.

10 (d) If the district obtains the city's approval of a capital  
11 improvements budget for a specified period not to exceed five  
12 years, the district may finance the capital improvements and issue  
13 bonds specified in the budget without further city approval.

14 (e) Before the district issues bonds, the district shall  
15 submit the bonds and the record of proceedings of the district  
16 relating to authorization of the bonds to the attorney general for  
17 approval as provided by Chapter 53, Acts of the 70th Legislature,  
18 2nd Called Session, 1987 (Article 717k-8, Vernon's Texas Civil  
19 Statutes).

20 SECTION 18. ASSESSMENTS. (a) The board may levy and  
21 collect an assessment for any purpose authorized by this Act.

22 (b) Assessments, reassessments or assessments resulting  
23 from an addition to or correction of the assessment roll by the  
24 district, penalties and interest on an assessment or reassessment,  
25 expenses of collection, and reasonable attorney's fees incurred by  
26 the district:

27 (1) are a first and prior lien against the property

1     assessed;

2                 (2) are superior to any other lien or claim other than  
3 a lien or claim for county, school district, or municipal ad  
4 valorem taxes; and

5                 (3) are the personal liability of and charge against  
6 the owners of the property even if the owners are not named in the  
7 assessment proceedings.

8                 (c) The lien is effective from the date of the resolution of  
9 the board levying the assessment until the assessment is paid. The  
10 board may enforce the lien in the same manner that the board may  
11 enforce an ad valorem tax lien against real property.

12                SECTION 19. APPROVAL OF CERTAIN IMPROVEMENT PROJECTS. The  
13 district must obtain the city's approval of the plans and  
14 specifications of any district improvement project related to the  
15 use of land owned by the city, an easement granted by the city, or  
16 a right-of-way of a street, road, or highway.

17                SECTION 20. ELECTIONS.     (a) In addition to the elections  
18 the district must hold under Subchapter L, Chapter 375, Local  
19 Government Code, the district shall hold an election in the manner  
20 provided by that subchapter to obtain voter approval before the  
21 district imposes a maintenance tax or issues bonds payable from ad  
22 valorem taxes or assessments.

23                (b) The board may submit multiple purposes in a single  
24 proposition at an election.

25                SECTION 21. IMPACT FEES. The district may impose an impact  
26 fee for an authorized purpose as provided by Subchapter G, Chapter  
27 375, Local Government Code.

1           SECTION 22. MAINTENANCE TAX.   (a)   If authorized at an  
2 election held in accordance with Section 20 of this Act, the  
3 district may levy and collect an annual ad valorem tax on taxable  
4 property in the district for the maintenance and operation of the  
5 district and the improvements constructed or acquired by the  
6 district or for the provision of services to industrial or  
7 commercial businesses, residents, or property owners.

8           (b) The board shall determine the tax rate.

9           SECTION 23. DISSOLUTION OF DISTRICT. (a) The district may  
10 be dissolved as provided in Subchapter M, Chapter 375, Local  
11 Government Code.

12           (b) Notwithstanding Section 375.264, Local Government Code,  
13 a district that has debt may be dissolved as provided by Subchapter  
14 M, Chapter 375, Local Government Code. If the district has debt  
15 and is dissolved, the district shall remain in existence solely for  
16 the limited purpose of discharging its bonds or other obligations  
17 according to their terms.

18           SECTION 24. CONTRACTS. (a) To protect the public interest,  
19 the district may contract with the city or county for the provision  
20 of law enforcement services by the county or city in the district  
21 on a fee basis.

22           (b) The city, county, or any other political subdivision of  
23 the state, without further authorization, may contract with the  
24 district to implement a project of the district or aid and assist  
25 the district in providing the services authorized under this Act.  
26 A contract under this subsection may:

27           (1) be for a period on which the parties agree;

1           (2) include terms on which the parties agree;  
2           (3) be payable from taxes or any other sources of  
3 revenue that may be available for such purpose; or  
4           (4) provide that taxes or other revenue collected at a  
5 district project or from a person using or purchasing a commodity  
6 or service at a district project may be paid or rebated to the  
7 district under the terms of the contract.

8           (c) The district may enter into a contract, lease, or  
9 agreement with or make or accept grants and loans to or from:

10           (1) the United States, including federal departments  
11 and agencies;

12           (2) the state or a state agency;

13           (3) a county, municipality, or other political  
14 subdivision of the state;

15           (4) a public or private corporation, including a  
16 nonprofit corporation created by the board under other law; and

17           (5) any other person.

18           (d) The district may perform all acts necessary for the full  
19 exercise of the powers vested in the district on terms and  
20 conditions and for the term the board may determine to be  
21 advisable.

22           SECTION 25. COMPETITIVE BIDDING. The district may enter a  
23 contract for more than \$25,000 for services, improvements, or the  
24 purchase of materials, machinery, equipment, supplies, or other  
25 property only as provided by Subchapter K, Chapter 375, Local  
26 Government Code.

27           SECTION 26. NOTICE AND CONSENT. The legislature finds that:

1           (1) proper and legal notice of the intention to  
2 introduce this Act, setting forth the general substance of this  
3 Act, has been published as provided by law, and the notice and a  
4 copy of this Act have been furnished to all persons, agencies,  
5 officials, or entities to which they are required to be furnished  
6 by the constitution and laws of this state, including the governor,  
7 who has submitted the notice and a copy of this Act to the Texas  
8 Natural Resource Conservation Commission;

9           (2) the Texas Natural Resource Conservation Commission  
10 has filed its recommendations relating to this Act with the  
11 governor, lieutenant governor, and speaker of the house of  
12 representatives within the required time;

13           (3) the general law relating to consent by political  
14 subdivisions to the creation of districts with conservation,  
15 reclamation, and road powers and the inclusion of land in those  
16 districts has been complied with; and

17           (4) all requirements of the constitution and laws of  
18 this state and the rules and procedures of the legislature with  
19 respect to the notice, introduction, and passage of this Act have  
20 been fulfilled and accomplished.

21       SECTION 27. EFFECTIVE DATE. This Act takes effect September  
22 1, 1995.

23       SECTION 28. EMERGENCY. The importance of this legislation  
24 and the crowded condition of the calendars in both houses create an  
25 emergency and an imperative public necessity that the  
26 constitutional rule requiring bills to be read on three several  
27 days in each house be suspended, and this rule is hereby suspended.

## COAUTHOR AUTHORIZATION-74TH LEGISLATURE

(please request your coauthors to sign this form  
in lieu of the front or the back of the original bill)

For chief clerk use only  
Bill or Resolution Number:

HB3204

Joe Nixon  
signature of primary author

Nixon  
printed name of primary author

4-5-95  
Date

PERMISSION TO SIGN HB3204 HAS BEEN GIVEN TO (check only one of the following):  
(bill or resolution #)

☒ ALL REPRESENTATIVES

THE FOLLOWING REPRESENTATIVE(S): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I authorize the Chief Clerk to include my name as a coauthor of the legislation indicated above:

A2120 Alexander	Date	A2115 Allen	Date	A2125 Alonzo	Date
A2105 Alvarado	Date	A2135 Averitt	Date	A2160 Bailey	Date
A2200 Berlanga	Date	A2240 Black	Date	A2270 Bomer	Date
A2275 Bosse	Date	A2265 Brady	Date	A2260 Brimer	Date
A2405 Carona	Date	A2400 Carter	Date	A2480 Chisum	Date
A2530 Clemons	Date	A2435 Coleman	Date	A2575 Combs	Date
A2580 Conley	Date	A2570 Cook	Date	A2595 Corte	Date
A2600 Counts	Date	A2605 Crabb	Date	A2610 Craddick	Date
A2645 Cuellar, Henry	Date	A2646 Cuellar, Renato	Date	A2635 Culberson	Date
A2670 Danburg	Date	A2675 Davila	Date	A2625 Davis	Date
A2630 De La Garza	Date	A2685 Dear	Date	A2680 Delisi	Date
A3385 Denny	Date	A2705 Driver	Date	A2665 Dukes	Date
A2655 Duncan	Date	A2650 Dutton	Date	A2770 Edwards	Date
A2760 Ehrhardt	Date	A2775 Eiland	Date	A2785 Elkins	Date
A2810 Farrar	Date	A2830 Finnell	Date	A2920 Gallego	Date
A2935 Giddings	Date	A2880 Glaze	Date	A2985 Goodman	Date
A2990 Goolsby	Date	A3005 Gray	Date	A3010 Greenberg	Date
A3020 Grusendorf	Date	A3030 Gutierrez	Date	A3035 Haggerty	Date
A2695 Hamric	Date	A3120 Harris	Date	A3170 Hartnett	Date
A3345 Hawley	Date	A3180 Heflin	Date	A3230 Hernandez	Date
A3240 Hightower	Date	A3310 Hilbert	Date	A3250 Hilderbran	Date

For chief clerk use only  
Bill or Resolution Number:

HB3204

A3275 Hill	Date	A3285 Hirschi	Date	A3305 Hochberg	Date
A3295 Holzheanser	Date	A3300 Horn	Date	A3315 Howard	Date
A3350 Hudson	Date	A3355 Hunter, Bob	Date	A3365 Hunter, Todd	Date
A3380 Jackson	Date	A3415 Janek	Date	A3395 Johnson	Date
A3405 Jones, Delwin	Date	A3400 Jones, Jesse	Date	A3440 Junell	Date
A3460 Kamel	Date	A3465 King	Date	A3485 Krusee	Date
A3490 Kubiak	Date	A3450 Kuempel	Date	A3510 Laney	Date
A3605 Lewis, Glenn	Date	A3600 Lewis, Ron		A3615 Longoria	Date
A3620 Luna	Date	A3715 Madden	Date	A3750 Marchant	Date
A2700 Maxey	Date	A3665 McCall	Date	A3670 McCoulskey	Date
A3660 McDonald	Date	A3850 Moffat	Date	A3860 Moreno	Date
A3865 Mowery	Date	A3855 Munoz	Date	A3885 Naishtat	Date
A3895 Nixon	Date	A3875 Oakley	Date	A3990 Ogden	Date
A3880 Oliveira	Date	A4020 Park	Date	A4070 Patterson	Date
A4180 Pickett	Date	A4185 Pitts	Date	A4110 Place	Date
A4190 Price	Date	A4200 Puente	Date	A4230 Rabuck	Date
A4210 Ramsay	Date	A4240 Rangel	Date	A4235 Raymond	Date
A4236 Reyna	Date	A4260 Rhodes	Date	A4315 Rodriguez	Date
A4325 Romo	Date	A4305 Rusling	Date	A4370 Sadler	Date
A4380 Saunders	Date	A4425 Seidlits	Date	A4460 Serna	Date
A4435 Shields	Date	A4445 Siebert	Date	A4530 Smithee	Date
A4550 Solis	Date	A4505 Solomons	Date	A4510 Stiles	Date
A4570 Swinford	Date	A4585 Talton	Date	A4605 Telford	Date
A4630 Thompson	Date	A4635 Tillery	Date	A4640 Torres	Date
A2730 Turner, Bob	Date	A4685 Turner, Sylvester	Date	A4690 Uher	Date
A4720 Van de Putte	Date	A4990 Walker	Date	A4995 West	Date
A5010 Williamson	Date	A4970 Willis	Date	A5000 Wilson	Date
A5015 Wohlgemuth	Date	A4980 Wolens	Date	A5005 Woolley	Date
A5025 Yarbrough	Date	A5030 Yost	Date	A5040 Zbranc	Date

✓

LB 3204

LETTER OF TRANSMITTAL

HOUSE OF REPRESENTATIVES  
STATE OF TEXAS


TO: The Honorable George W. Bush  
Governor of Texas

SUBJECT: A Bill Relating to a Conservation and Reclamation District

This is to transmit to you and the Texas Natural Resource Conservation Commission copies of House Bill No. 3204, a bill relating to a conservation and reclamation district, and copies of the notice of intention to introduce the bill. One copy is for your files and one for you to forward to the Texas Natural Resource Conservation Commission, under Section 59(d), Article XVI, Constitution of the State of Texas.

APR 5 1995

Date transmitted to  
Governor's Office

  
Cynthia Gerhardt, Chief Clerk  
House of Representatives

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TO: Texas Natural Resource Conservation Commission

SUBJECT: A Bill Relating to a Conservation and Reclamation District

This is to forward to you a copy of House Bill No. \_\_\_\_\_, a bill relating to a conservation and reclamation district, and a copy of the notice of intention to introduce the bill.

\_\_\_\_\_  
Date transmitted to  
Texas Natural Resource Conservation Commission

\_\_\_\_\_  
George W. Bush  
Governor

-----

TO: The Honorable James E. "Pete" Laney  
Speaker of the House

The Honorable Bob Bullock  
President of the Senate

The Honorable George W. Bush  
Governor of Texas

SUBJECT: A Bill Relating to a Conservation and Reclamation District

Attached are the recommendations of the Texas Natural Resource Conservation Commission on House Bill No. \_\_\_\_\_, in compliance with Section 59(d), article XVI, Constitution of the State of Texas.

\_\_\_\_\_  
Dan Pearson  
Executive Director



John Hall, *Chairman*  
Pam Reed, *Commissioner*  
Peggy Garner, *Commissioner*  
Dan Pearson, *Executive Director*



## TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

*Protecting Texas by Reducing and Preventing Pollution*

April 14, 1995

The Honorable James E. (Pete) Laney  
Texas House of Representatives  
P. O. Box 2910  
Austin, Texas 78769

Re: Responsibility of the Texas Natural Resource Conservation Commission pursuant to Article XVI, Section 59(d), Texas Constitution.

H.B. 3204 by Joe Nixon

Relating to the Creation, Powers and Duties of the Westchase Area Management District of Harris County.

Dear Mr. Speaker:

The attached comments are provided pursuant to the Constitutional requirements referenced above. We recommend that these comments be considered in the evaluation of the proposed legislation.

Respectfully,

A handwritten signature in cursive script, appearing to read "Dean Robbins".

Dean Robbins, P.E.  
Director, Water Utilities Division

Enclosure

cc: Representative David Counts, Chairman, House Natural Resources Committee  
Representative Joe Nixon

House Bill 3204  
by Representative Joe Nixon

Creates the Westchase Area Management District. The District's powers and duties are summarized as follows:

Purposes:

Promote, develop, encourage, and maintain employment, commerce, transportation, housing, tourism, recreation, arts, entertainment, economic development, safety, and the public welfare in downtown Houston. The district will also provide needed funding for the Westchase area providing pedestrian ways and by landscaping and developing certain areas for restoration, preservation and enhancement of scenic and aesthetic beauty. This also includes street lighting, landscaping and street art objects. These purposes are similar to those of general law for Municipal Management Districts (MMDs)

Governing Board:

The Act will appoint 17 directors to serve staggered four year terms. To be qualified to serve as a director, a person must comply with Subchapter D, Chapter 375, Local Government Code which sets out the terms and qualifications of directors in General Law MMDs.

Subsequent directors shall be appointed by the mayor and city council of Houston based on recommendations from the Board.

Taxes & Assessments:

The District could borrow money for District improvements and services, and provide for payment of debt and expenses thru the levy of taxes, impact fees, user fees, rentals, etc. The District may levy and collect an assessment under Subchapter F, Chapter 375, Local Government Code relating to General Law MMDs.

Powers:

The District has the rights, powers, privileges, authority and functions of a MMD created under general law, the powers of an industrial development corporation (Section 4B of Article 5190.6, Vernon's Texas Civil Statutes) and the power to operate, own, acquire, etc., those projects of an industrial corporation.

The district does not have the power of eminent domain.

Contracts:

Requires compliance with the competitive bidding statutes for general law MMDs.

Debt:

As with general law MMDs, may issue bonds, notes, bond anticipation notes, certificates of participation, lease, contract, or other evidences of debt. Bonds must be approved by City of Houston.

Boundaries:

A boundary description is contemplated but is not included in the bill as originally filed. Since the District has taxing powers, it is recommended that a boundary description forming an acceptable closure be included.

TNRCC Supervision:

TNRCC would have general supervision authority but this would not include bond review authority. General law requires MMDs to seek TNRCC approval of any bonds issued for water and/or wastewater projects but not other kinds of projects.

A BILL TO BE ENTITLED  
AN ACT

Relating to the creation, administration, powers, and duties of the Westchase Area Management District; granting the authority to issue bonds; authorizing a tax.

APR 05 1995

Filed with the Chief Clerk

APR 6 1995Read first time and referred to Committee on State AffairsReported favorably (as amended)  
(as substituted)Sent to Committee on (Calendars)  
(Local & Consent Calendars)Read second time (comm. subst.) (amended); passed to third reading (failed) by a (non-record vote)  
(record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting)Constitutional rule requiring bills to be read on three several days suspended (failed to suspend)  
by a vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not votingRead third time (amended); finally passed (failed to pass) by a (non-record vote)  
(record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting)

Engrossed

Sent to Senate

\_\_\_\_\_  
CHIEF CLERK OF THE HOUSE

## OTHER HOUSE ACTION:

\_\_\_\_\_  
Received from the House\_\_\_\_\_  
Read and referred to Committee on \_\_\_\_\_\_\_\_\_\_  
Reported favorably \_\_\_\_\_\_\_\_\_\_  
Reported adversely, with favorable Committee Substitute; Committee Substitute read first time\_\_\_\_\_  
Ordered not printed\_\_\_\_\_  
Laid before the Senate\_\_\_\_\_  
Senate and Constitutional Rules to permit consideration suspended by (unanimous consent)  
(\_\_\_\_\_ yeas, \_\_\_\_\_ nays)\_\_\_\_\_  
Read second time, \_\_\_\_\_, and passed to third reading by (unanimous consent)  
(a viva voce vote)  
(\_\_\_\_\_ yeas, \_\_\_\_\_ nays)\_\_\_\_\_  
Senate and Constitutional 3 Day Rules suspended by a vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays\_\_\_\_\_  
Read third time, \_\_\_\_\_, and passed by (a viva voce vote)  
(\_\_\_\_\_ yeas, \_\_\_\_\_ nays)\_\_\_\_\_  
Returned to the House\_\_\_\_\_  
SECRETARY OF THE SENATE

## OTHER SENATE ACTION:

\_\_\_\_\_ Returned from the Senate (as substituted)  
(with amendments)

\_\_\_\_\_ House concurred in Senate amendments by a (non-record vote)  
(record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting)

\_\_\_\_\_ House refused to concur in Senate amendments and requested the appointment of a conference committee  
by a (non-record vote) (record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting)

\_\_\_\_\_ House conferees appointed: \_\_\_\_\_, Chair; \_\_\_\_\_,  
\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_ Senate granted House request. Senate conferees appointed: \_\_\_\_\_, Chair;  
\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_ Conference committee report adopted (rejected) by the House by a (non-record vote)  
(record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting)

\_\_\_\_\_ Conference committee report adopted (rejected) by the Senate by a (viva voce vote)  
(record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays)